

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JENNIFER ANDREWS,

Plaintiff,

Case No. 25-11169

v.

Hon. F. Kay Behm

NASCAR ENTERPRISES, LLC, *et al.*,

Defendants.

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**ORDER REGARDING DEFENDANTS'  
MOTION TO DISMISS (ECF NO. 12)**

Plaintiff Jennifer Andrews filed a complaint on April 23, 2025, alleging sexual harassment, discrimination, and retaliation in violation of Title VII and Michigan's Elliot-Larsen Civil Rights Act. On June 13, 2025, Defendants NASCAR Enterprises, LLC, and Michigan International Speedway, LLC, filed a motion for partial dismissal pursuant to Rule 12(b)(6).

Federal Rule of Civil Procedure 15(a)(2) states that courts should grant leave to amend a complaint "when justice so requires." In the court's view, under the present circumstances and at this early stage of the case, allowing Plaintiff an opportunity to amend serves the ends of justice. Accordingly, without expressing any view regarding the merits of

the motion to dismiss, the court will afford Plaintiff the opportunity to cure any purported deficiencies by filing an amended complaint. The court **ORDERS** that any amended complaint must be filed within 14 days of entry of this Order or within the time remaining for Plaintiff to respond to the motion, whichever is longer.

As a result, Plaintiff is presented with a choice of how to proceed. Plaintiff may file an amended complaint, in which case the court will deny without prejudice the currently pending motion to dismiss as moot, or Plaintiff may file a response to Defendants' motion. If Plaintiff elects not to file an amended complaint and instead file a substantive response, the court will rule on the pending motion and any dismissal may be with prejudice.

**SO ORDERED.**

Date: June 18, 2025

s/F. Kay Behm  
F. Kay Behm  
United States District Judge